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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,023	01/02/2002	Gregory C. Kime	42390P12859	7085

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/038,023

Applicant(s)

KIME ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13, 14, 19-22 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 14, 19-22 and 28-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

1. Claims 1-11, 13, 14, 19-22, 28-30 are presented for examination.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 17, 2005 has been entered.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-11, 13, 14, 19-22, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajasekharan et al. (USPN 6,480,961) (hereinafter Rajasekharan) In view of Banker et al. (USPN 6,005,938) (hereinafter Banker).

4. Referring to claim 1, Rajasekharan discloses a method comprising:

receiving a request for a data stream from a client (an inherent feature of the system since the data would not be sent to the client had there not been a request to retrieve the stream);

sampling the data stream and generating one or more fingerprint blocks for one or more sampled portions of the data stream (an inherent feature since Rajasekharan discloses the content integrity values are stored in the server col. 4, lines 13-23 and these values would not exist if the data was not sampled and the fingerprint blocks generated);

transmitting the one or more fingerprint blocks (i.e. content integrity values in authorization data) to the client (col. 4, lines 6-12); and

transmitting the data stream to the client via a second connection (it is well known that in HTTP, which is used over the Internet, the connection is closed after data is transmitted to the destination and in order to transmit data again, as in a new data stream, a new session connection must be created between the client and the server) (col. 4, lines 50-64).

Rajasekharan does not specifically state that the fingerprint blocks and the data stream are sent on demand wherein the on-demand transmitting of the data stream includes simultaneous transmission. In analogous art, Banker discloses another method of secure data transmission which includes the fingerprint blocks (i.e. entitlement control messages ECM and EMMs) are simultaneously sent with the data stream (col. 6, lines 50-55; col. 7, lines 35-45). It would have been obvious to one of ordinary skill in the art to combine the teaching of Banker with Rajasekharan in order to

protect digital information that is provided to users of a network as well as to prevent replaying decryption information that the user received while subscribed to a service to decrypt information after dropping the subscription as supported by Banker (col. 1, lines 1-20).

5. Referring to claim 2, Rajasekharan discloses sending to the client parameters for sampling the data stream (i.e. strength of security desired) (col. 4, lines 60-64).

6. Referring to claim 3, Rajasekharan discloses generating one or more fingerprint blocks comprises generating a CRC (i.e. hash) values for the one or more sampled portions of the data stream (col. 4, line 65 to col. 5, line 3).

7. Claim 4 is rejected for similar reasons as stated above.

8. Referring to claim 5, Rajasekharan discloses the invention substantively as described in claim 4. Rajasekharan does not specifically state the first connection is an out-of-band connection and the second connection is a primary data connection. In analogous art, Banker discloses the first connection (i.e. that carrying the EMMs and ECMs) is an out-of-band connection and the second connection is the primary data connection (i.e. it is well known that the cable box connection for the service, channel, is the primary data connection for the cable box, and any other connection is a secondary channel, such as to bring control messages to the headend) (col. 6, lines 50-55).

9. Referring to claim 6, Rajasekharan discloses generating an error message at the client if one or more fingerprint blocks do not match one or more fingerprint blocks generated at the server (col. 5, lines 4-9).

10. Referring to claim 7, Rajasekharan discloses the invention substantively as described in claim 4. Rajasekharan furthermore discloses communicating an error message to the server from the client if one or more fingerprint blocks do not match one or more fingerprint blocks generated at the server as seen in claim 6, however does not specifically state that this message is transmitted to the server from the client. It is well known in the art that error messages are transmitted between server and clients for error messages (i.e. NACK's) and would be an obvious modification to the system of Rajasekharan in order to alert system administrators that there is an unauthorized user attempting to download content off the server, thereby providing increased security with the system.

11. Referring to claim 8, Rajasekharan discloses the invention substantively as described in claim 4. Rajasekharan does not specifically state communicating a valid status message to the server from the client but does state generating a signal (Figure 4, ref. 450), and it is well known in the art for clients to generate valid messages (i.e. ACK's) to servers and would be an obvious modification to the system of Rajasekharan in order for transmission auditing and determining if there is any degradation in the

transmission along the route, thereby providing checks in order to ensure the client has received the stream and there is no problems with the software.

12. Claims 9-11 are rejected for similar reasons as stated above.

13. Claims 13, 14, 19-22, 28-30 are rejected for similar reasons as stated above.

Furthermore Rajasekharan discloses a packetizer for creating packets (i.e. an inherent feature in any Internet server), and to generate an error message if a threshold percentage of fingerprint blocks do not match (Figure 4, ref. 450 and related portions of the disclosure).

### ***Response to Arguments***

14. Applicant's arguments filed October 17, 2005 have been fully considered but they are not persuasive.

15. In the remarks, Applicant argues, in substance, that (1) Rajasekharan or Baker, individually or when combined, teach or suggest transmitting the data stream on demand...and simultaneous or delayed transmission of the data stream.

16. As to point (1) the Office respectfully disagrees. Applicant will find that Baker discloses transmitting the fingerprint blocks and the data stream simultaneously which is what "on-demand transmitting" includes (col. 6, lines 50-55; col. 7, lines 35-45).

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Furthermore Rajasekharan does indicate to one of ordinary skill in the art that the data stream can be delayed until after the authorization data is received (i.e. Figure 4 step 400 receiving authorization data is performed before the receiving and playing of the data stream 430). By this rationale, the rejection is maintained.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

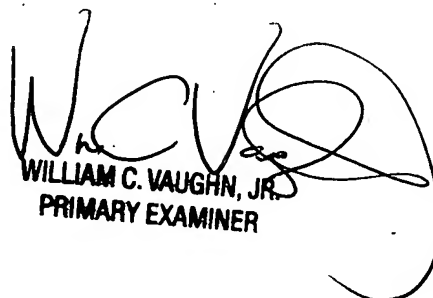
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA  
November 4, 2005



WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER